

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *JK* D.C.

05 SEP 28 PM 3: 01

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TENNESSEE

TRIPLE H DISTRIBUTION, INC.,

Plaintiff,

v.

SCHWARZKOPF & DEP, INC. and
HENKEL CORP.,

Defendants.

No. 04-2108 Ma A

ORDER DENYING PLAINTIFF'S MOTION APPEALING
TAXATION/BILL OF COSTS

Before the court is Plaintiff's motion appealing taxation of costs under Rule 54(d)(1). Plaintiff argues that the Clerk's taxation of costs was premature because, when costs were taxed, a motion to alter or amend judgment under Fed. R. Civ. P. 59(e) was before the court. Generally, a motion to tax costs should be stayed until any motion to alter or amend judgment has been decided. Because Plaintiff did not request a stay or raise any objection to the taxation of costs before or at the time of the Clerk's hearing on the matter, however, the court deems the objection waived.

For the foregoing reasons, Plaintiff's motion is DENIED.

So ordered this 27th day of September 2005.

A handwritten signature in black ink, appearing to read 'SH Mays', written over a horizontal line.

SAMUEL H. MAYS, JR.

UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 93 in case 2:04-CV-02108 was distributed by fax, mail, or direct printing on September 29, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT